IN THE HIGH COURT OF BOMBAY AT GOA, PANAJI-GOA

APPEAL FROM ORDER NO. 67 OF 2005

Mrs. Michele Fernandes alias
Michele Edith de Lahaye,
56 years of age, r/o House No. 295,
Maison Baylon, Fernandes Vaddo,
Siolim, Bardez-Goa. .... Appellant

Versus

1. Luis de Maria Barnardo Remo
   Fernandes alias Remo Fernandes,
   51 years of age, r/o House No. 295,
   Maison Baylon, Fernandes Vaddo,
   Siolim, Bardez-Goa.
2. Face the Music Company, a Company
   registered under the Companies Act,
   represented by its Managing Director
   Mr. Luis de Maria Barnardo Remo
   Fernandes alias Remo Fernandes.
3. Mrs. Luisa Maria Fernandes alias
   Mrs. Luiza Fernandes, r/o New
   Miramar Circle, Miramar, Panaji, Goa.
   (since deceased through her legal representatives)
   3(a) Mrs. Belinda Machado
   3(b) Mr. Cornelino Machado .... Respondents

Shri Valmiki Menezes, Advocate for the Appellant.

Shri J. Godinho, Advocate for Respondent No.1.
Shri J.E. Coelho Pereira, Sr. Advocate with Shri V. Braganza, Advocate for Respondent No.2.

CORAM : **P.V. KAKADE, J.**

DATE **: 14th NOVEMBER, 2006**

ORAL ORDER :

Heard learned Counsel for all the concerned parties.

2. This appeal was preferred against the judgment and order passed by the Civil Judge, Senior Division, Mapusa dismissing the application of the appellant, prayed for temporary injunction by which it was sought that the respondents should not transfer the immovable property as well as the shares in the company, which property allegedly belongs to both the parties.

3. However, so far as the immovable property is concerned, Advocate Mr, J. Godinho submits that no immovable property shall be transferred or alienated pending the Matrimonial Petition No. 24 of 2004 in the trial Court. Similarly, it is stated at the bar, on behalf of the concerned respondents that shares in the company would not be transferred pending the Matrimonial Petition in the lower Court. The learned Counsel for the appellant is apparently satisfied with this statement made before this Court, which is recorded by this Court and on that basis, in my considered view, nothing remains in the appeal and the appeal stands disposed of, on the

basis of such statement made on behalf of the respondents. The trial Court is directed to dispose of Matrimonial Petition as early as possible, at any rate within a period of one year from the date of receipt of the writ of this Court.

4. With this direction, the appeal stands disposed of with no order as to costs. Consequently, civil application no. 372 of 2005 also stands disposed of with no order as to costs.

P.V. KAKADE, J.

NH